

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                           |   |                     |
|---------------------------|---|---------------------|
| PAUL MILLS,               | ) |                     |
|                           | ) | CIVIL ACTION NO.    |
| Petitioner,               | ) |                     |
|                           | ) | 3:06-CV-1925-G      |
| VS.                       | ) |                     |
|                           | ) | CRIMINAL ACTION NO. |
| UNITED STATES OF AMERICA, | ) | 3:01-CR-177(20)-H   |
|                           | ) | ECF                 |
| Respondent.               | ) |                     |

**ORDER OF THE COURT ON THE  
FOREGOING RECOMMENDATION**

Considering the record in this case and the foregoing recommendation, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253 (c), the court hereby finds and orders:

**IFP STATUS:**


- (X) the party appealing is **GRANTED** *in forma pauperis* status on appeal.
- ( ) the party appealing is **DENIED** *in forma pauperis* status on appeal for the following reasons:
  - ( ) the court certifies, pursuant to FED. R. APP. P. 24(a) and 28 U.S.C. § 1915 (a)(3), that the appeal is not taken in good faith. In support of this finding, the court incorporates by reference the Magistrate Judge's findings and recommendation filed on \_\_\_\_\_. Based upon the Magistrate Judge's findings, this court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. See *Harkins v. Roberts*, 935 F. Supp. 871, 873 (S.D. Miss. 1996) (citing *Howard v. King*, 707 F. 2d 215, 219-20 (5th Cir. 1983)).
  - ( ) the person appealing is not a pauper;

- ( ) the person appealing has not complied with the requirements of Rule 24 of the Federal Rules of Appellate Procedure and/or 28 U.S.C. § 1915(a)(1) as ordered by the court. (*See* Notice of Deficiency and Order filed on \_\_\_\_\_).
- ( ) the party appealing paid the appellate filing fee on \_\_\_\_\_.

**COA:**

- ( ) a Certificate of Appealability is GRANTED on the following issues: \_\_\_\_\_.
- (X) a Certificate of Appealability is **DENIED**. The court hereby adopts and incorporates by reference the Magistrate Judge's findings and recommendation filed in this case on April 13, 2007, in support of its finding that petitioner has failed to demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

November 13, 2007.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge